



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: An Urgency Ordinance Regulating Nude, Semi-Nude and Topless Outcall Entertainment

MEETING DATE: July 6, 1994

PREPARED BY: City Attorney

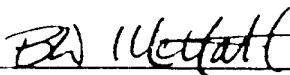
RECOMMENDED ACTION: Council consideration and direction; possible adoption of Urgency Ordinance No. 1597.

BACKGROUND INFORMATION: During the week of June 27, 1994, City staff was contacted by an individual interested in starting a business offering topless or bikini-clad maid service. It was her proposal to operate her business in Stockton, Lodi and the unincorporated areas of San Joaquin County.

In examining Lodi's adult business ordinance, it quickly became clear that the business proposed did not fall within the definitions of the present ordinance. As such, the applicant would need only a business license to operate in Lodi. It was felt that although this proposed activity did not fall squarely within the limitations of the adult business ordinance in the Municipal Code, it was essentially similar enough to warrant the immediate consideration of Council as to whether it should be included. On that basis, the attached urgency ordinance was prepared and is presented to the Council for consideration. The ordinance simply includes in the definition of businesses subject to the adult business regulations a description of "outcall" adult entertainment, and forbids offering such adult entertainment anywhere except at a fixed place of business otherwise in compliance with the adult business ordinance.

FUNDING: Not applicable.

Respectfully submitted,



Bob McNatt
City Attorney

BM:pn

CCADULT.BUS/TXTA.01V

APPROVED _____

THOMAS A. PETERSON
City Manager



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ORDINANCE NO. 1597

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AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LODI AMENDING CHAPTER 5.40 OF THE
LODI MUNICIPAL CODE BY ADDING THERETO §5.40.020 (A) (7) DEFINING
"OUTCALL ADULT BUSINESSES" AND FURTHER ADDING THERETO §5.40.070
PROHIBITING OUTCALL ADULT RELATED BUSINESSES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 5.40 of the Lodi Municipal Code are hereby amended
to read as follows:

SECTION 5.40.020 (A) (7) "OUTCALL ADULT-RELATED BUSINESS" shall
mean any business or commercial entity offering at any location
other than a fixed place of business in the City of Lodi services
or entertainment involving specified sexual activities or
featuring specified anatomical areas. "Outcall" shall include
but not be limited to the offering of such services or
entertainment at any residence, hotel, motel or other commercial
establishment, other than the place of business for which such
entity is licensed.

SECTION 5.40.070 "OUTCALL ADULT-RELATED BUSINESSES PROHIBITED"

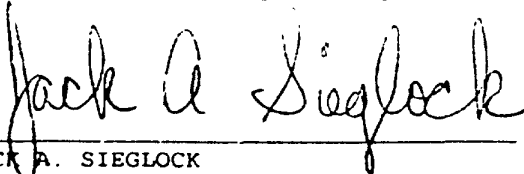
All operation of adult businesses involving specified sexual
activities or specified anatomical areas as defined herein, or
the presentation of any live nude, semi-nude or topless
entertainment shall be conducted completely on licensed premises
otherwise in compliance with this chapter. No outcall
adult-related business, services or entertainment involving
specified sexual activities or specified anatomical areas shall
be permitted.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance under Government Code Section 36934, based on health, safety and welfare considerations arising from the City's desire to prohibit outcall adult-related businesses, and the imminent likelihood that such businesses will commence operation within the City. On this basis, the City Council finds such adult-related businesses can negatively impact the local quality of life, attract undesirable persons who may engage in criminal conduct, and generally make the City a less desirable place to live.

SECTION 4. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 6th day of July 1994



JACK A. SIEGLOCK
MAYOR

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1597 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held July 6, 1994, and was thereafter passed, adopted and ordered to print by the following vote:

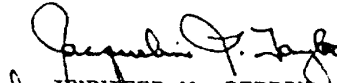
Ayes: Council Members - Mann, Pennino, Snider and
Sieglock (Mayor)

Noes: Council Members - None


Absent: Council Members - Davenport

Abstain: Council Members - None

I further certify that Ordinance No. 1597 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


for JENNIFER M. PERRIN
City Clerk

Approved as to Form


BOBBY W. McNATT
City Attorney